

Attachment 4

Original Proposal

Rule R307-220

(59) 40 CFR Part 63, Subpart GGGG, National Emission Standards for Vegetable Oil Production; Solvent Extraction.

(60) 40 CFR Part 63, Subpart HHHH - National Emission Standards for Wet-Formed Fiberglass Mat Production.

(61) 40 CFR Part 63, Subpart IIII, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Automobiles and Light-Duty Trucks.

(62) 40 CFR Part 63, Subpart JJJJ, National Emission Standards for Hazardous Air Pollutants for Paper and Other Web Surface Coating Operations.

(63) 40 CFR Part 63, Subpart KKKK, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Metal Cans.

(64) 40 CFR Part 63, Subpart MMMM, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.

(65) 40 CFR Part 63, Subpart NNNN - National Emission Standards for Large Appliances Surface Coating Operations.

(66) 40 CFR Part 63, Subpart OOOO, National Emission Standards for Hazardous Air Pollutants for Fabric Printing, Coating and Dyeing Surface Coating Operations.

(67) 40 CFR Part 63, Subpart PPPP, National Emissions Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.

(68) 40 CFR Part 63, Subpart QQQQ, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Wood Building Products.

(69) 40 CFR Part 63, Subpart RRRR, National Emission Standards for Hazardous Air Pollutants for Metal Furniture Surface Coating Operations.

(70) 40 CFR Part 63, Subpart SSSS - National Emission Standards for Metal Coil Surface Coating Operations.

(71) 40 CFR Part 63, Subpart TTTT - National Emission Standards for Leather Tanning and Finishing Operations.

(72) 40 CFR Part 63, Subpart UUUU - National Emission Standards for Cellulose Product Manufacturing.

(73) 40 CFR Part 63, Subpart VVVV - National Emission Standards for Boat Manufacturing.

(74) 40 CFR Part 63, Subpart WWWW, National Emissions Standards for Hazardous Air Pollutants for Reinforced Plastic Composites Production.

(75) 40 CFR Part 63, Subpart XXXX - National Emission Standards for Tire Manufacturing.

(76) 40 CFR Part 63, Subpart YYYY, National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.

(77) 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

(78) 40 CFR Part 63, Subpart AAAAA, National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.

(79) 40 CFR Part 63, Subpart BBBB, National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.

(80) 40 CFR Part 63, Subpart CCCCC, National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.

(81) 40 CFR Part 63, Subpart DDDDD, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters [published on September 12, 2004 at 69 FR 55217].

(82) 40 CFR Part 63, Subpart EEEEE, National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.

(83) 40 CFR Part 63, Subpart FFFF, National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing.

(84) 40 CFR Part 63, Subpart GGGGG, National Emission Standards for Hazardous Air Pollutants for Site Remediation.

(85) 40 CFR Part 63, Subpart HHHHH, National Emission Standards for Hazardous Air Pollutants for Miscellaneous Coating Manufacturing.

(86) 40 CFR Part 63, Subpart IIIII, National Emission Standards for Hazardous Air Pollutants for Mercury Emissions from Mercury Cell Chlor-Alkali Plants.

(87) 40 CFR Part 63, Subpart JJJJJ, National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.

(88) 40 CFR Part 63, Subpart KKKKK, National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.

(89) 40 CFR Part 63, Subpart LLLLL, National Emission Standards for Hazardous Air Pollutants for Asphalt Processing and Asphalt Roofing Manufacturing.

(90) 40 CFR Part 63, Subpart MMMMM, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Fabrication Operations.

(91) 40 CFR Part 63, Subpart NNNNN, National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production.

(92) 40 CFR Part 63, Subpart PPPPP, National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands.

(93) 40 CFR Part 63, Subpart QQQQQ - National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities.

(94) 40 CFR Part 63, Subpart RRRRR, National Emission Standards for Hazardous Air Pollutants for Taconite Iron Ore Processing.

(95) 40 CFR Part 63, Subpart SSSSS, National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing.

(96) 40 CFR Part 63, Subpart TTTTT, National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining.

KEY: air pollution, hazardous air pollutant, MACT

Date of Enactment or Last Substantive Amendment: [November 3, 2005] 2007

Notice of Continuation: February 9, 2004

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

Environmental Quality, Air Quality R307-220 Emission Standards: Plan for Designated Facilities

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE No.: 29229
FILED: 11/15/2006, 11:12

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to add a new Section R307-220-5 to incorporate by reference the new Plan for Mercury Emissions at Coal-Fired Electric Generating Units, and to delete specific definitions from Section R307-220-1.

SUMMARY OF THE RULE OR CHANGE: A new Section R307-220-5 is added to incorporate by reference the new Plan for Mercury Emissions at Coal-Fired Electric Generating Units. The Plan is available at: <http://www.airquality.utah.gov/Public-Interest/Current-Issues/mercury/index-mercury.htm>. The Plan, which is required by 40 CFR Part 60, sets forth Utah's program to comply with the federal Clean Air Mercury Rule (CAMR). The Utah Plan is to participate in the federal cap and trade program for mercury emissions from coal-fired electric generating units (EGUs). The CAMR sets Utah's allowances at 0.506 tons per year in 2010 and 0.200 tons per year in 2018 and later. The Environmental Protection Agency (EPA) estimates that EGUs in Utah emitted 0.142 tons of mercury in 1999. Utah's plan, in conjunction with new rule Rule R307-424 (see separate filing in this issue), which sets emission limits for existing and new EGUs, ensures that emissions of mercury from EGUs will not rise above the 1999 levels, even as power production expands in the future. This amendment deletes definitions from Section R307-220-1 because new definitions have been added in 40 CFR Part 60, which is incorporated by reference by Rule R307-210 (see separate filing in this issue). (DAR NOTE: The proposed amendment for Rule R307-210 is under DAR No. 29228, and the proposed new Rule R307-424 is under DAR No. 29231 in this issue, December 1, 2006, of the Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(3)(e)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Designated Facilities Plan, Section 4, Plan for Mercury Emissions at Coal-Fired Electric Generating Units

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** There are no costs to the state budget by adopting this plan; costs for all regulated sources are covered by the fees they pay under Rule R307-415, the operating permits program.
- ❖ **LOCAL GOVERNMENTS:** There are no costs to local governments, because any regulated sources owned by local governments pay their fees from the revenue generated by selling electric power.
- ❖ **OTHER PERSONS:** The regulated sources will receive allowances for all their current emissions of mercury. There is nothing in the Plan incorporated by this rule that requires regulated sources to add control measures. However, affected sources are required to install continuous emissions monitoring equipment; the cost is unknown because the

equipment does not yet exist (see separate filing on R307-424 in this issue).

COMPLIANCE COSTS FOR AFFECTED PERSONS: The regulated sources will receive allowances for all their current emissions of mercury. There is nothing in the Plan incorporated by this rule that requires regulated sources to add control measures. However, affected sources are required to install continuous emissions monitoring equipment; the cost is unknown because the equipment does not yet exist (see separate filing on R307-424 in this issue).

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no costs for business associated with this rule and the Plan it incorporates by reference. However, there will be unknown expenses to install continuous emissions monitoring equipment. Reductions in mercury emissions will be achieved by adoption of Rule R307-424. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

**ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.**

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/02/2007

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/12/2006 at 1:30 PM, DEQ Building, 168 N 1950 W, Room 201, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2007

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

**R307. Environmental Quality, Air Quality.
R307-220. Emission Standards: Plan for Designated Facilities.
R307-220-1. Incorporation by Reference.**

[(+)] Pursuant to 42 U.S.C. 7411(d), the Federal Clean Air Act Section 111(d), the following sections hereby incorporate by reference the Utah plan for designated facilities. Copies of the plan are available at the Division of Air Quality and the Division of Administrative Rules.

—(2) Definitions. The following additional definitions apply to R307-220:

— "Designated Facility" means any existing source which emits a designated pollutant and which would be subject to a standard of performance for a new source if construction of the designated

~~facility had begun after the effective date of the standard of performance issued under 40 CFR Part 60.~~

~~"Designated Pollutant" means any air contaminant, the emission of which:~~

~~(a) is subject to a standard of performance for a new source; and~~

~~(b) is not subject to a National Ambient Air Quality Standard; and~~

~~(c) is not a hazardous air pollutant as defined in R307-101-2.]~~

R307-220-5. Section IV, Coal-Fired Electric Generating Units.

Section IV, Coal-Fired Electric Generating Units, as most recently adopted by the Air Quality Board on February 7, 2007, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, landfills, ~~environmental protection,~~ incinerators, electric generating units

Date of Enactment or Last Substantive Amendment: ~~October 3, 2003~~ 2007

Notice of Continuation: March 26, 2002

Authorizing, Implemented, or Interpreted Law: 19-2-104(3)(a)

Environmental Quality, Air Quality

R307-224

Mercury Emission Standards: Coal-Fired Electric Generating Units

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE No.: 29230

FILED: 11/15/2006, 11:12

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R307-224 incorporates by reference parts of 40 CFR Part 60, Subpart HHHH, which requires nationwide reductions in mercury emissions from coal-fired electric generating units (see separate filings in this issue on Rules R307-210, R307-220, and R307-424). (DAR NOTE: The proposed amendment for Rule R307-210 is under DAR No. 29228, the proposed amendment for Rule R307-220 is under DAR No. 29229, and the proposed new Rule R307-424 is under DAR No. 29231 in this issue, December 1, 2006, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: The Air Quality Board proposes to incorporate by reference most of 40 CFR Part 60, Subpart HHHH, which establishes a national cap and trade program for mercury emissions from coal fired power plants and institutes a two-phase reduction program. In 1999, mercury emissions from coal-fired electric generating units were estimated at 48 tons nationally; by 2010, emissions will be limited to 38 tons, and in 2018, to 15 tons. Any new electric generating unit beginning construction after January 30, 2004, must meet emission limits in Subpart Da; for units already in existence, each state must write a Designated Facilities Plan demonstrating that emissions will not exceed

the amounts budgeted for that state. See separate filing on Rule R307-220, which incorporates Utah's Designated Facilities Plan, and Rule R307-424.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(3)(q)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR Part 60, Subpart HHHH, effective July 1, 2006

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There is no additional cost to state government, as the cost of enforcing the regulations is covered by the fees paid by the affected sources for their permits under Rule R307-415, Operating Permits.

❖ **LOCAL GOVERNMENTS:** There are no costs to local governments, because any regulated sources owned by local governments pay their fees from the revenue generated by selling electric power.

❖ **OTHER PERSONS:** The regulated sources will receive allowances for all their current emissions of mercury. There is nothing in this rule that requires regulated sources to add additional control measures, and thus, there is no cost. However, the Plan requires that affected sources install continuous emissions monitoring equipment; the cost is unknown because the equipment does not yet exist.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The regulated sources will receive allowances for all their current emissions of mercury. There is nothing in this rule that requires regulated sources to add additional control measures, and thus there is no cost. However, the Plan requires that affected sources install continuous emissions monitoring equipment; the cost is unknown because the equipment does not yet exist.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Utah's allowance under the national program is adequate to allow electric generating units to continue to operate without changing their mercury emissions. However, there will be unknown expenses to install continuous emissions monitoring equipment. Reductions will be achieved by adoption of Rule R307-424 (see separate filing in this issue). Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY

AIR QUALITY

150 N 1950 W

SALT LAKE CITY UT 84116-3085, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

Change in Proposed Rule R307-220

R307. Environmental Quality, Air Quality.

R307-220. Emission Standards: Plan for Designated Facilities.

R307-220. Incorporation by Reference.

Pursuant to 42 U.S.C. 7411(d), the Federal Clean Air Act Section 111(d), the following sections hereby incorporate by reference the Utah plan for designated facilities. Copies of the plan are available at the Division of Air Quality and the Division of Administrative Rules.

R307-220-5. Section IV, Coal-Fired Electric Generating Units.

Section IV, Coal-Fired Electric Generating Units, as most recently adopted by the Air Quality Board on [~~February 7, 2007~~] March 14, 2007, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, landfills, incinerators, electric generating units

Date of Enactment or Last Substantive Amendment: 2007

Notice of Continuation: March 26, 2002

Authorizing, Implemented, or Interpreted Law: 19-2-104(3)(q)